

REMARKS

Claims 1-45 are pending in the application. During a telephone conversation with Examiner Vrettakos on 10/24/05, a provisional election was made to prosecute the invention of group III, claims 23-30 and 43-45, and that election is hereby confirmed. Accordingly, claims 1-22 and 31-42 stand withdrawn from consideration. Of the remaining claims, claims 23-25, 28-30, 43 and 45 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,630,837 to Crowley, while claims 26-27 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Crowley in view of U.S. Patent No. 5,091,893 to Smith et al. For the reasons set forth below, reconsideration of claims 23-30 and 43-45 is respectfully requested.

By this amendment, the pending claims have been amended to cover a system for ablating tissue in a medical patient, with the system comprising:

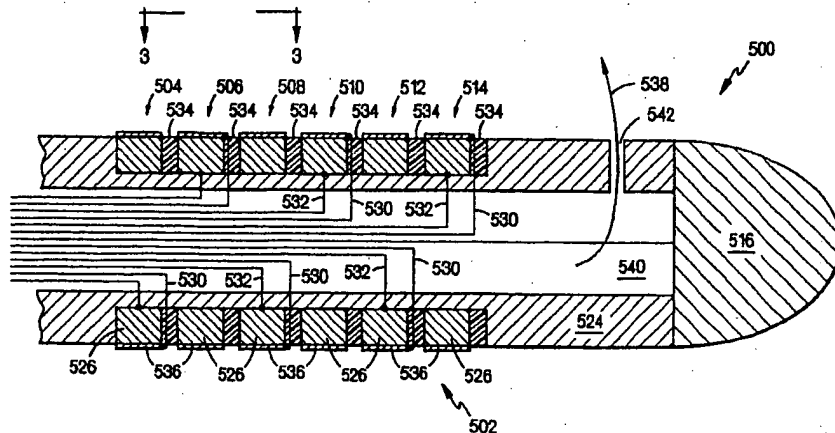
an ablation device operable to be percutaneously placed within a patient's body, the ablation device including a proximal end portion, a distal end portion, and an array of ultrasonic ablation elements carried on a flexible substrate located at the distal end portion; wherein the flexible circuit substrate is formed in an approximately cylindrical shape with the elements positioned generally equidistant from a central longitudinal axis of the array; and wherein the elements are each elongate with a longitude generally parallel to said longitudinal axis; and

a control station coupled to the proximal end portion of the ablation device, the station including one or more processors operable to activate one or more elements of the array to selectively ablate tissue while the array is positioned within the patient's body.

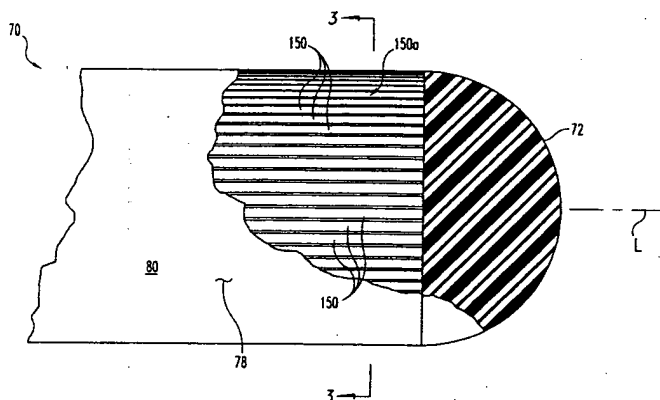
That amendment is supported by the specification as filed, including *inter alia* FIGS. 2 and 3, and the description of one preferred embodiment on page 13 which states: “Elements 150 are each generally rigid relative to substrate 80 and are elongate with a longitude generally parallel to axis L.” With this configuration, the acoustic ablation device of the present invention may be used to “focus ultrasonic energy on different tissue segments circumferentially surrounding the device” as indicated in the specification, for example, at page 5.

In contrast, the cited prior art does not disclose or suggest an ablation system in which the acoustic transducers are elongate and are oriented with a longitude generally parallel to the axis of the array. Instead, the acoustic transducers of Crowley are positioned in “an annular configuration designed for generating acoustic energy that radiates in a radial pattern surrounding the circumference of the catheter body.” See, e.g., FIGS. 1 and 2 of the Crowley ‘837 patent.

The Figures below may be useful for illustrating the difference identified above. In the Figure labeled “Crowley ‘837” the ablation device includes ablation elements 504-514 that are arranged in an annular configuration to radiate energy radially around the entire device at a selected distance from the distal end. In the Figure labeled “Applicant’s Invention” the elements 150 are arranged parallel to the longitudinal axis of the array, so that energy is radiated at selected point along the circumference, but along the entire length of the element.



Crowley '837

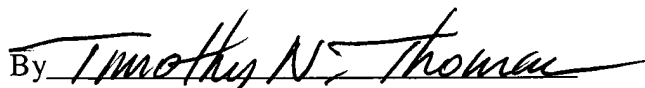


Applicant's Invention

Further to the above, it is respectfully submitted that the Crowley '837 reference not only does not disclose the claimed invention, it does not suggest that the device should be modified in a manner that would produce the claimed invention. While both devices may be used for acoustic ablation, the pattern of energy that the devices generate is significantly different, with each device having it's own, distinct, purpose and use.

In view of the foregoing, it is respectfully submitted that the claimed invention is neither taught nor suggested by the cited prior art. Favorable consideration of the application is therefore respectfully requested.

Respectfully submitted,

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